

REMARKS**Present Status of the Application**

The Office action objected to the drawings as failing to comply with 37 C.F.R. 1.84(p)(5).

The Office action rejected claims 1, 6, 7 and 11 under 35 U.S.C. 103(a) as being unpatentable over Pearl et al. (US Publication No. 2003/0093915; hereinafter “Pearl”) in view of Black (US Publication No. 2004/0006332; hereinafter “Black”).

The Office action rejected claim 2 under 35 U.S.C. 103(a) as being unpatentable over Pearl in view of Black and further in view of Beck et al. (US Patent No. 3,967,372; hereinafter “Beck”).

The Office action rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Pearl in view of Black and further in view of Inagaki (US Patent No. 4,924,541; hereinafter “Inagaki”).

The Office action rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Pearl in view of Black and further in view of Bigio (US Patent No. 6,739,016; hereinafter “Bigio”).

The Office action rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Pearl in view of Black and further in view of Honda et al. (US Patent No. 4,732,834; hereinafter “Honda”).

The Office action rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Pearl in view of Black and further in view of Dahl (US Patent No. 3,938,018; hereinafter “Dahl”).

The Office action rejected claims 9, 10, 13 and 14 under 35 U.S.C. 103(a) as being unpatentable over Pearl in view of Black and further in view of Larsen (US Patent No. 6,450,941; hereinafter “Larsen”).

The Office action rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over Pearl in view of Black and Inagaki and further in view of Bigio.

After carefully considering the comments set forth in this Office action and the cited references, Applicant has amended paragraph [0016] of the specification and claims 1 and 11, and has canceled claims 2, 3 and 12. Applicant hereby respectfully traverses the objection and rejections on the grounds set forth in detail below, and earnestly requests for withdrawal of all the objection and rejections and allowance of all the pending claims.

Discussion of Objection to Drawings

The drawings are objected to as failing to comply with 37 C.F.R. 1.84(p)(5).

In response thereto, Applicant has amended paragraph [0016] of the specification and respectfully traverses said objection.

Paragraph [0016] of the specification, as amended, no longer contains the incorrect reference numeral 9. Applicant submits that the above amendment to the specification does not introduce new matter for it is merely a correction of an obvious mistake.

Discussion of Claim Rejections Under 35 U.S.C. 103(a)

Claims 1, 6, 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearl in view of Black.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pearl in view of Black and further in view of Beck.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pearl in view of Black and further in view of Inagaki.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pearl in view of Black and further in view of Bigio.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pearl in view of Black and further in view of Honda.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pearl in view of Black and further in view of Dahl.

Claims 9, 10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearl in view of Black and further in view of Larsen.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pearl in view of Black and Inagaki and further in view of Bigio.

In response thereto, Applicant has amended claims 1 and 11, has canceled claims 2, 3 and 12, and respectfully traverses said rejections.

Claim 1, as amended, now contain the limitation of canceled claim 3, reciting “the massage protrusions are made of soft synthetic resin in order to allow a user to feel pleasant when combing

a user's hair or when massaging a user's scalp, and a tip of each massage protrusion is rounded". Although Inagaki discloses the use of synthetic resin, the synthetic resin is disposed inside a cushionlike item and does not come into direct contact with the human body, meaning that the texture of the synthetic resin, which is an important aspect to be considered if the synthetic resin is to directly contact the human body, is not an issue in Inagaki. Since the disclosure of Inagaki only takes into account the rigidity and flexibility, but not the texture of the synthetic resin, the above disclosure does not render the use of the synthetic resin to directly contact the human body obvious, just as a disclosure of using springs in a mattress does not render using springs in a massaging device obvious, wherein the springs come into direct contact with the human body. Furthermore, the synthetic resin in Inagaki is a passive component, while the synthetic resin in the present application is mechanically connected to the vibration device. Hence, Applicant also submits that the synthetic resin that moves along with the vibration device in the present application is non-obvious over the static synthetic resin in Inagaki.

Therefore, even in consideration of Inagaki, Black, Beck, Bigio, Honda, Dahl and Larsen, any combination of Pearl, Inagaki, Black, Beck, Bigio, Honda, Dahl and Larsen still fails to teach or suggest the above limitation of claim 1 and further of claims 4-10, 13 and 14 dependent thereon. Therefore, Applicant respectfully asserts that claims 1, 4-10, 13 and 14 of the present application are non-obvious over Pearl, Inagaki, Black, Beck, Bigio, Honda, Dahl or Larsen, taken alone or in combination and accordingly traverse the rejections of claims 1, 4-10, 13 and 14 under 35 U.S.C. 103(a).

In addition, although being an independent claim, claim 11 also contains all the limitations of claim 1. Therefore, Applicant also respectfully asserts that claim 11 is non-obvious over Pearl, Inagaki, Black, Beck, Bigio, Honda, Dahl or Larsen, taken alone or in combination and accordingly traverse the rejection of claim 11 under 35 U.S.C. 103(a).

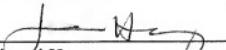
CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1, 4-11, 13 and 14 of the present application patently define over the prior art and are in proper condition for allowance. An action to such effect is most earnestly solicited. If the Office believes that a telephone conference would expedite the examination of the above-identified patent application, the Office is invited to call the undersigned.

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